

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Unites States of America	:	Docket #: 1:05-cr-10184-GAO-1
v.	:	Voir Dire
Noel Neff	:	May 3, 2006

VOIR DIRE

The Defendant submits the following proposed voir dire questions:

- a. The following persons are affiliates of my firm O'Reilly & Shaw, LLC in Fairfield, CT :

- Jane Ford Shaw, Esq.
- Donna Henry, PI

Do any of you know any of these individuals professionally or socially?

- b. Does anyone know the defendant in this case?
- c. Defendant is Homosexual. Do you have any biases or prejudices against Homosexuals?
- d. Does anyone think we have a problem with Homosexuals? How serious is that problem? What should be done about it?
- e. How many of you here encounter Homosexual people in their or your jobs? What has your experience been with them?
- f. How many people here have Homosexual friends? Close friends?

- g. Has anyone here ever heard any stereotypes about Homosexual? What kind? What do you think of the stereotypes? In your experience are those stereotypes true?
- h. Do all of you understand that law enforcement officers testify on a regular basis and may be more polished? What impression does that give you?
- i. Does any member of the panel have any special training or expertise in law enforcement matter such as investigation?
- j. Do you have any relatives or friends who are connected with law enforcement; a district attorney's office; the United States Attorney's Office; and law enforcement or other quais-law enforcement agency?
- k. Have you ever been a police officer or military police officer or worker in a security filed either for the state or national government or for private industry?
- l. Have any of you ever sat as a juror in a civil case? If so when? Where? How often?
- m. Have any of you ever sat as a juror in a criminal case? If so when? Where? How often? Did you reach a verdict? What was the verdict?
- n. Have any of you served on a jury in a case? If so when? Where? What was the Verdict?
- o. Have any of you ever served on a federal or state grand jury? If so when? Where? How often?
- p. Have any of you, any members of your immediate family, or friends been a party in a civil action? If so, please explain.

- q. Have any of you, any members of you immediate family, or friends know anyone who used or was physical or mentally abuse? If so, please state who? What is their relationship to you? Would that affect your judgment in this case?
- r. As the court shows the jurors the indictment, do you understand that an indictment is only a piece of paper which notifies the defendant that he is being charged with a crime?
- s. Do you understand that an indictment is not evidence that the crime charged was committed and may not be considered as evidence by you in deliberations?
- t. Do you understand that the defendant entered a plea of not guilty and is innocent until proven guilty otherwise?
- u. Do you have any difficulty presuming the defendant innocent now?
- v. Do you understand that the government is required by law to prove the defendant guilty beyond a reasonable doubt?
- w. If the government fails to meet that burden, do you understand that you must find the defendant not guilty?
- x. Do you realize that the burden of proof is greater for a criminal case than for a civil case?
- y. Do you understand that the defendant does not have to testify at trial and nothing can be inferred from him not testifying?

- z. In a criminal case, a defendant is not required to explain his or her side of the case since the burden of proof does, in fact, rest with the prosecution.
Do you understand this?
- aa. Do you realize that you are the sole and exclusive judge of the fact and that you are to judge this case solely on the evidence before you and not allow the fear of later criticism to affect your verdict?
- bb. Would any of you change your verdict if a majority of the other jurors believed that a person was guilty and you were in the minority?
- cc. Would the fact that you were in the minority influence your vote at all?
- dd. Have any of you at this time formed any opinion about the guilt or innocence of Mr. Neff? That would require evidence to remove such opinion?
- ee. Do you know of any reason, or has anything occurred during this questioning period, that might make you doubtful as to whether you could be a completely fair and impartial juror in this case? If there is, it is your duty to disclose this.
- ff. In deciding whether or not you are going to credit the testimony of a witness, would you consider the witness conduct in the witness stand, the ability and opportunity to observe, any bias or prejudice, and the probability or improbability of the testimony?
- gg. Would any of you tend to give any greater weight or credibility, no matter how slight, to the testimony of a federal agent or prosecution witness merely because they are employees of, or are testifying on behalf of the

government? Would you give their testimony greater weight or credibility over that of Mr. Neff, or witnesses on his behalf?

hh. Do we have your assurance that you will not allow your personal feeling about attorneys to affect your judgment about the innocence or guilty of Mr. Neff?

Respectfully submitted,

Noel Neff

By: /s/_____~~Francis L. O'Reilly~~_____
Francis L. O'Reilly,
Fed. Bar No.: CT17505
87 Ruane Street
Fairfield, CT 06430
Phone: 203-319-0707
Fax: 203-319-0128
Email: Attflor@aol.com

CERTIFICATE OF SERVICE

I, Francis L. O'Reilly, do hereby certify that I delivered a copy the attached motion via first class mail, post prepaid to:

Robert E. Richardson, Esq.
United States Attorney's Office
1 Courthouse Way
Boston, MA 02210

Dated:

By: /s/_____~~Francis L. O'Reilly~~_____
Francis L. O'Reilly